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TAGS: [PHUM](#) [PGOV](#) [GM](#)

SUBJECT: German Court Approves Ban on Teacher Headscarves

REF: A) 98 Frankfurt 6465; B) 00 Frankfurt 3078;

C) 01 Frankfurt 6028; D) 03 Frankfurt 8335;

E) 04 Frankfurt 1390; F) 04 Hamburg 0001

1. SUMMARY: On June 24, the Federal Administrative Court in Leipzig upheld the Baden-Wuerttemberg (B-W) law banning headscarves on public school teachers. It dismissed the appeal of Fereshta Ludin, whose case has become a bellwether for Germany's tolerance of Muslim religious expression in public life. END SUMMARY.

2. In April, the B-W state government became the first German state to outlaw the wearing of headscarves for Muslim teachers in public schools (ref E). On June 24, the Second Senate of the Federal Administrative Court in Leipzig ruled that the B-W headscarf law is in accordance with the German constitution (Basic Law), thus dismissing Ludin's lawsuit. The Second Senate further stated that reference to Christian and Jewish traditions in the law does not constitute preferential treatment to those religions.

3. With yesterday's verdict, the court upheld its July 2002 decision against Ludin. In November 2003, Germany's Supreme Court (Federal Constitutional Court) returned the case to the Administrative Court pending a new law regulating the issue. The Administrative Court also considered the case of a Muslim teacher from Lower Saxony, ruling that she can keep her position after she declared at the hearing that she will now remove her headscarf during instruction.

4. The B-W state government and opposition both welcomed the verdict. B-W Education Minister Annette Schavan (CDU) indicated that the state will now move to dismiss two other female teachers who have refused to take off their headscarves.

5. COMMENT: With this latest verdict, the B-W legislation has overcome its first constitutional hurdle. Ms. Ludin will likely appeal again to the Constitutional Court. That court, which had avoided a clear-cut decision last November, will need to come to a unequivocal verdict. In the meantime, the image of German authorities compelling Muslim women to remove their headscarves will continue to complicate relations with Germany's Muslims. END COMMENT.

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